

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, MAY 12, 2004
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: JANET DUNN
DINO F. BUCCI, JR.
CHARLES OLIVER

ABSENT: KENNETH MEERSCHAERT, JR.

Also in attendance: Larry Dloski, Township Attorney
Jerome Schmeiser, Community Planning Consultant
James Van Tiflin, Township Engineer, Spalding DeDecker
Associates, Inc.
(Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the Roll. Member MEERSCHAERT JR., absent.

MOTION by BUCCI seconded by OLIVER to refrain from calling the name of Member Kenneth Meerschaert for all future Motions and Roll Calls.

MOTION carried.

2. Approval of Agenda Items (*With any corrections*)

MOTION by DUNN seconded by MALBURG to approve the amended agenda as discussed.

MOTION carried.

3. Approval of Bills

MOTION by DUNN seconded by BUCCI to approve both Bill runs as submitted.

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MOTION carried.

4. Approval of the April 28, 2004 previous Meeting Minutes

MOTION by MALBURG seconded by DUNN to approve the April 28, 2004 Meeting Minutes along with the revisions discussed.

MOTION carried.

5. Public Comments (Non Agenda items only - 3 minute time limit) None.

PLANNING COMMISSION:

6. Rezoning; Industrial Light (M-1) to Commercial General (C-2); Located on the east side of Hayes Road approximately ½ mile north of 22 Mile Road; Section 19; Hayes-Macomb Properties, LLC, Petitioner. Permanent Parcel No. 08-19-300-001. *(Tabled at the September 24, 2003 Township Board Meeting).*

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Bill Madden discussed the request and the adjacent properties involved in litigation.

Public Portion: None.

Mr. Madden requested to table the matter pending further actions on adjacent litigated property.

MOTION by BUCCI seconded by KOEHS to table indefinitely at the petitioners request the rezoning request; Industrial Light (M-1) to Commercial General (C-2); Permanent Parcel No. 08-19-300-001.

MOTION carried.

7. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of 25 Mile Road and Hayes Road; AC Enterprise, LLC, Petitioner. Permanent Parcel No. 08-07-100-001.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Fazal Khan

Public Portion: None

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MOTION by DUNN seconded by BUCCI to following the Planning Commission's recommendation and rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-07-100-001.

MOTION carried.

8. Rezoning; Residential One Family Suburban (R-1-S) & Agricultural (AG) to Residential One Family Urban (R-1); Located on the south side of 24 Mile Road approximately ¼ mile east of Romeo Plank Road; MSC Land Development, Petitioner. Permanent Parcel No. 08-17-201-002.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Fazal Khan

Public Portion: None

MOTION by OLIVER seconded by MALBURG to approve the request to rezone the property from Residential One Family Suburban (R-1-S) & Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-17-201-002.

MOTION carried.

9. Rezoning; Residential One Family Urban (R-1) to Office Low Rise (O-1); Located on the east side of Romeo Plank Road approximately 1650' north of Hall Road; Dr. Anthony Benenati, Petitioner. Permanent Parcel No. 08-33-301-002.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Dr. Benenati requested to table the request due to the absence of his attorney.

Public Portion: None.

MOTION by OLIVER seconded by DUNN to table the request at the petitioners request to May 24, 2004 for the rezoning request from Residential One Family Urban (R-1) to Office Low Rise (O-1); Permanent Parcel No. 08-33-301-002.

MOTION carried.

10. Final Plat; Middlecreek Estates (Phase I and II); Located north of 22 Mile Road approximately 600' east of Romeo Plank Road; Middlecreek Development, Petitioner. Permanent Parcel No. 08-21-352-003.

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Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Kirk Maas

Public Portion: None.

MOTION by DUNN seconded by KOEHS to approve the Final Plat; Middlecreek Estates Phase I and direct the Township Clerk to sign the mylar. Permanent Parcel No. 08-21-352-003.

MOTION carried.

MOTION by DUNN seconded by MALBURG to approve the Final Plat; Middlecreek Estates Phase II and direct the Township Clerk to sign the mylar. Permanent Parcel No. 08-21-353-003.

MOTION carried.

11. Request to Alter Grade; Harmony Acres Subdivision; Located on the side of 24 Mile Road $\frac{3}{4}$ mile east of Romeo Plank Road; Joseph VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-014.

Supervisor BRENNAN reviewed the request.

Supervisor BRENNAN stated that Mr. Van Haverbeck was present earlier tonight and reviewed how he explained that the request is premature, per the Township Ordinance requiring Tentative Preliminary Plat approval prior to this request.

Supervisor BRENNAN reviewed with the Township Attorney as to how to proceed with this request.

Larry Dloski, Township Attorney, stated "Based on Mr. Van Haverbeck statements as discussed I would recommend that the Board table this to the next Board Meeting and see if there's some direction for Mr. Van Haverbeck."

Public Portion: None.

MOTION by BUCCI seconded by MALBURG to table the request at the Boards direction to the May 24, 2004 Meeting for the Request to Alter Grade; Harmony Acres Subdivision; Permanent Parcel No. 08-16-200-014.
MOTION carried.

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12. Tentative Preliminary Plat; Portofino Villas Subdivision; Located on the west side of Card Road; ½ mile north of 23 Mile Road; Prestwick Enterprises, Petitioner. Permanent Parcel No. 08-15-426-004.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Mr. Tiphthi

Public Portion: None.

MOTION by BUCCI seconded by MALBURG to approve the Tentative Preliminary Plat; Portofino Villas Subdivision; pursuant upon the petitioner meeting all the Standard Conditions addressed by the Township Planning Consultant. Permanent Parcel No. 08-15-426-004.

MOTION carried.

NEW BUSINESS:

13. Request to re-appoint the Macomb Township Board of Canvassers.

Clerk KOEHS reviewed the request.

MOTION by OLIVER seconded by MALBURG to approve the request to re-appoint for a four year term to expire December 31, 2008 the following Members on the Macomb Township Board of Canvassers; Republican Member, Duncan L. Harper and Democratic Member, Thomas L. McVicar.

MOTION carried.

14. Request to Adopt Resolution No. 1; Sanitary Sewer; Marseilles Drive; Located north of 22 Mile Road and east of Romeo Plank Road; SAD No. MA086-S.

Supervisor BRENNAN reviewed the request.

Supervisor BRENNAN opened the Public Hearing at 7:37 P.M.

Public Portion: None.

Supervisor BRENNAN closed the Public Hearing at 7:37 P.M.

MOTION by OLIVER seconded by KOEHS to Adopt Resolution No. 1 to authorize the Township Engineers to proceed with the work for the Sanitary Sewer Diversion; Marseilles Drive; Located north of 22 Mile Road and east of Romeo Plank Road; SAD No. MA086-S as follows:

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**FOR THIS MOTION: OLIVER, KOEHS, DUNN, MALBURG, BUCCI,
BRENNAN.**

OPPOSED: NONE.

ABSENT: MEERSCHAERT, JR.

**SAD No. MA086-S
Marseilles Drive Sanitary Sewer**

Resolution No. 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on May 12, 2004, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie M. Malburg, Janet Dunn, Dino F. Bucci, Jr., Charles Oliver.

ABSENT: Kenneth Meerschaert, Jr.

The following preamble and resolution were offered by Member OLIVER and supported by Member KOEHS.

WHEREAS, a Petition has been filed with the Township Board signed by the record owners of lands constituting more than fifty (50%) percent of the assessable area (acres) to be benefited by the construction and installation of a sanitary sewer requested by the Petitioner and more particularly described in Exhibit "A" attached hereto and expressly made a part hereof; and,

WHEREAS, the Township Board desires to proceed with the Petition pursuant to the provisions of Act 188, Public Acts of Michigan, 1954, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

- 1. The registered engineering firm of Spalding, DeDecker & Associates, Inc. of Rochester Hills, Michigan, is hereby ordered to prepare plans and specifications showing the sanitary sewer improvements requested by the petition, the location thereof, and an estimate of cost for the construction and installation thereof.**
- 2. When the plans and estimates are completed, the engineering firm shall file the same with the Township Board.**

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3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

AYES: OLIVER, KOEHS, DUNN, MALBURG, BUCCI, BRENNAN.

NAYES: NONE

ABSENT: MEERSCHAERT, JR.

**Michael D. Koehs
Macomb Township Clerk**

EXHIBIT "A"

A 10-inch sanitary sewer and appurtenances along Marseilles Drive , from 22 Mile Road to approximately 1,800 feet north.

RESOLUTION DECLARED ADOPTED.

15. Request to Adopt Resolution No. 2; Schedule the Public Hearing Date for (*June 9, 2004*) for Public Hearing No. 1 for necessity; Sanitary Sewer; Marseilles Drive; Located north of 22 Mile Road and east of Romeo Plank Road; SAD No. MA086-S.

Supervisor BRENNAN reviewed the request.

MOTION by KOEHS seconded by MALBURG to Adopt Resolution No. 2 to establish the Public Hearing date; June 9, 2004 @ 7:00 P.M. for challenge of necessity ; Sanitary Sewer; Marseilles Drive; Located north of 22 Mile Road and east of Romeo Plank Road; SAD No. MA086-S as follows:

FOR THIS MOTION: KOEHS, MALBURG, BUCCI, DUNN, OLIVER, BRENNAN.

OPPOSED: NONE.

ABSENT: MEERSCHAERT

**SAD No. MA086-S
Marseilles Drive Sanitary Sewer**

Resolution No. 2

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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AT 7:00 P.M.

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on May 12, 2004, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino Bucci, Jr., Janet Dunn, Charlie Oliver.

ABSENT: Kenneth Meerschaert, Jr.,

The following preamble and resolution were offered by Member KOEHS and supported by Member MALBURG.

WHEREAS, a Petition has been filed with the Township Board signed by the record owners of lands constituting more than fifty (50%) percent of the assessable area (acres) to be benefited by the construction and installation of a sanitary sewer requested by the Petitioner and more particularly described in Exhibit "A" attached hereto and expressly made a part hereof; and,

WHEREAS, the Township Board desires to proceed on the Petition pursuant to the provisions of Act 188, Public Acts of Michigan, 1954, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

- 1. The registered engineering firm of Spalding, DeDecker & Associates, Inc. in Rochester Hills, Michigan, has been requested to prepare plans showing the proposed sanitary sewer requested by the petitioner, the location thereof, and estimates of costs for construction and installation thereof.**
- 2. The engineering firm has filed said plans and estimates with the Township Board.**
- 3. The Township Board shall meet at the Township Hall located at 54111 Broughton Road, Macomb Township, Michigan, 48042 on June 9, 2004, at 7:00 o'clock, P.M., Eastern Daylight Savings Time, at which time and place the Township Board shall hear objections to the Petition heretofore filed, to the improvements to be constructed and installed and the establishment of a special assessment district as proposed.**
- 4. The Township Clerk is hereby ordered to cause notice of the hearing to be published twice prior to the hearing in the MACOMB DAILY a newspaper of general circulation in the Township. The first publication to be at least ten (10) days before the hearing, and shall cause notice to be mailed by first class mail to all owners of or persons in interest in property in the special assessment district**

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as shown on the current assessment rolls of the Township at least ten (10) full days before the date of the hearing.

5. The Notice shall be in substantially the following form:

**NOTICE OF HEARING ON ESTABLISHMENT OF
SPECIAL ASSESSMENT DISTRICT FOR THE CONSTRUCTION AND
INSTALLATION OF A SANITARY SEWER BY THE TOWNSHIP OF
MACOMB**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

All land along Marseilles Drive from 22 Mile Road to a point approximately 1,800 feet north.

PLEASE TAKE NOTICE that a petition has been filed with the Township Board of the Township of Macomb signed by the record owners of the above described lands constituting more than fifty (50%) percent of the assessable area (acres) to be benefited by the construction and installation of a sanitary sewer proposed by the petition, and that the Township Board has tentatively declared its intention to make the improvements, particularly described as follows:

A 10 inch sanitary sewer and appurtenances along Marseilles Drive, from 22 Mile Road to approximately 1,800 feet north.

Plans and estimates have been prepared and are on file with the Township Clerk for public examination.

TAKE FURTHER NOTICE that the Township Board will meet on June 9, 2004, at 7:00 o'clock P.M. at the Township Hall, 54111 Broughton Road, Macomb, MI 48042 for the purpose of hearing any objections to the petition, the construction and installation of a sanitary sewer and the creation of a special assessment district therefore.

**Michael D. Koehs
Macomb Township Clerk**

**FIRST PUBLICATION: May 27, 2004
SECOND PUBLICATION: June 5, 2004**

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

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AYES: KOEHS, MALBURG, BUCCI, DUNN, OLIVER, BRENNAN.

NAYES: NONE

ABSENT: MEERSCHAERT, JR.

Michael D. Koehs
Macomb Township Clerk

RESOLUTION DECLARED ADOPTED.

OLD BUSINESS:

16. Request for a Liquor License Transfer; HGGY YUNG ENTERPRISES.

Supervisor BRENNAN reviewed the request.

Supervisor BRENNAN stated the entertainment waiver has been executed for this liquor license transfer request.

Petitioner Present: Petitioner was present in attendance, name was not stated.

MOTION by KOEHS seconded by DUNN to Adopt the Resolution for the Liquor License Transfer from HGGY YUNG ENTERPRISES to Dragon Phoenix as follows:

FOR THIS MOTION: KOEHS, DUNN, OLIVER, BUCCI, MALBURG, BRENNAN.

OPPOSED: NONE.

ABSENT: MEERSCHAERT

State of Michigan
Department of Consumer & Industrial Services
Liquor Control Commission

RESOLUTION

At a Regular meeting of the Township Board of Trustees,

called to order by Supervisor BRENNAN on May 12, 2004 at 7:00 P.M.

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The following resolution was offered:

Moved by KOEHS and supported by DUNN

That a request from HGGG YUNG ENTERPRISES, INC. TO TRANSFER OWNERSHIP OF 1999 CLASS C LICENSED BUSINESS WITH DANCE – ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 20000 NINE MILE, ST. CLAIR SHORES, MI 48080, MACOMB COUNTY, FROM SHORIAN ASSOCIATES, INC.; AND TRANSFER LOCATED (GOVERNMENTAL UNIT) (MCL 436.1531 (1) TO 18411 HALL, MACOMB, MI 48044, BE CONSIDERED FOR Approval

Approval

Disapproval

Yeas: Koehs, Dunn, Oliver, Bucci, Malburg, Brennan Yeas: None

Nays: None

Yeas: None

Absent: Meerschaert

Absent: Meerschaert

It is the consensus of this legislative body that the applicant be:

Recommended for issuance

State of Michigan _____)

County of Macomb)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Township Board of Trustees at a regular meeting held on May 12, 2004

SEAL

(Signed) _____

Michael D. Koehs
Township Clerk
Township of Macomb
54111 Broughton Road
Macomb, MI 48042

RESOLUTION DECLARED ADOPTED.

17. Request to Return Sanitary Sewer Bond; Buckingham Village; GTR Builders, Petitioner. Section 21.

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Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by BUCCI to approve the request and return the Sanitary Sewer Bond; Buckingham Village; Section 21; for the total amount of Two Hundred Twenty Thousand dollars and 00/100 (\$220,000.00).

MOTION carried.

18. Request to Return Monuments & Irons Bond; Wingate Farms; GTR Builders, Petitioner. Section 22.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by KOEHS seconded by MALBURG to approve the request and return the Monuments & Irons Bond; Wingate Farms; Section 22; for the total amount of One Thousand Seven Hundred Twenty Five dollars and 00/100 (\$1,725.00).

MOTION carried.

19. Request to Return Monuments & Irons Bond; Turnberry Subdivision; H & R Investments, Petitioner. Section 29.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by MALBURG to approve the request and return the Monuments & Irons Bond; Turnberry Subdivision; Section 29; for the total amount of Two Thousand Three Hundred Seventy Five dollars and 00/100 (\$2,375.00).

MOTION carried.

20. Extension of Time; Tentative Preliminary Plat; The Bluffs of Beaufait Farms Phase II. AEW, Petitioner. Section 35. (*Plat expires May 8, 2004*)

Supervisor BRENNAN reviewed the request.

Public Portion: None.

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MOTION by OLIVER seconded by BUCCI to approve the Extension of Time; Tentative Preliminary Plat; The Bluffs of Beaufait Farms Phase II, Section 35; for one year to expire May 8, 2005.

MOTION carried.

21. Extension of Time; Tentative Preliminary Plat; Bellagio Subdivision. Urban Land Consultants LLC, Petitioner. Section 6. (*Plat expires May 14, 2004*)

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by KOEHS seconded by MALBURG to approve the Extension of Time; Tentative Preliminary Plat; Bellagio Subdivision; for one year to expire May 14, 2005.

MOTION carried.

WATER & SEWER DEPARTMENT:

22. Easement Encroachment Agreement, Edward & Betty Andres, 21409 Clayton Drive, Macomb, MI 48044, Lot 233 Cornerstone Village Subdivision No. 5

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None.

MOTION by KOEHS seconded by BUCCI to approve the Easement Encroachment Agreement, Edward & Betty Andres, 21409 Clayton Drive, Macomb, MI 48044, Lot 233 Cornerstone Village Subdivision No. 5

MOTION carried.

23. Water Main Replacement Project, Marseilles Street, Section 21

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by MALBURG to approve the Water Main Replacement from a 6' to an 8' line for Marseilles Street; Section 21, for the total amount of One Hundred Eighty Five Thousand Two Hundred Ten dollars and 55/100 (\$185,210.55).

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MOTION carried.

24. Approval of 2004 MS4 Storm Water Discharge Permit Fee

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by KOEHS to pay this invoice for the 2004 MS4 Storm Water Discharge Permit fee for the total amount of Four Thousand dollars and 00/100 (\$4,000.00).

MOTION carried.

25. Approval of Printing and postage of the 2003 Water Connection

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None.

MOTION by KOEHS seconded by DUNN to approve the request for the printing of the 2003 Water Connection and award the job to Litho Printing to complete the printing required for this request for the total amount of Four Thousand Seven Hundred Ninety Nine dollars and 00/100 (\$4,799.00); and also approve the charge for Postage required for this request for the total amount of Three Thousand One Hundred Thirty Six dollars and 00/100 (\$3,136.00).

MOTION carried.

BOARD COMMENTS:

26. Supervisor Comments:

Addition:

26A. Mulch Applications for the Township Hall

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by BUCCI to approve the request for mulch applications and landscape bed redefinitions for the Township Hall and award the bid to Dave Landscaping for the total amount of One Thousand Five Hundred dollars and 00/100 (\$1,500.00).

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MOTION carried.

27. Clerk Comments:

Addition:

27A. Request authorization to defend DDMR properties v Township

Clerk KOEHS reviewed the request.

MOTION by KOEHS seconded by MALBURG to authorize legal counsel to defend a litigation involving a zoning issue for the Township v DDMR properties.

MOTION carried.

Addition:

27B. Request to Adopt Resolution Honoring Eagle Scout; Jason Christopher Bahlman.

Clerk KOEHS reviewed the request.

MOTION by OLIVER seconded by MALBURG to Adopt the Resolution Honoring an Eagle Scout; Jason Christopher Bahlman as follows:

FOR THIS MOTION: OLIVER, MALBURG, BUCCI, DUNN, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: MEERSCHAERT, JR.

**Resolution Honoring
Eagle Scout
Jason Christopher Bahlman**

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan held in the Township Hall in said township on the 12th day of May, 2004 at 7:00 PM the following preamble and resolution were offered by member OLIVER and supported by member MALBURG.

Whereas, Jason Christopher Bahlman started his scouting career in Macomb Township with Pack 391 where he earned the Arrow of Light; and,

Whereas, Jason Christopher Bahlman continued his scouting career with Boy Scout Troop 391 where he has distinguished himself by earning thirty-five merit badges; and,

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Whereas, Jason Christopher Bahlman has served as Order of the Arrow Representative, Patrol Leader, and Assistant Senior Patrol Leader and Senior Patrol Leader; and,

Whereas, Jason Christopher Bahlman graduated with honors From Dakota High School and will be attending Okland University; and

Whereas, Jason Christopher Bahlman, by his own actions and high moral standards has made himself a role model to other scouts and his peers,

Now Therefore Be It Resolved, by the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan, speaking on behalf of all Macomb Township Citizens as follows:

That By Those Present, the Macomb Township Board of Trustees recognizes the dedication, commitment and personal sacrifices Jason Christopher Bahlman has made to obtain the rank of Eagle Scout; and,

Be It Further Resolved, that the Macomb Township Board of Trustees hereby commends and publicly extends its congratulations to Jason Christopher Bahlman on his elevation to Eagle Scout and further extends its best wishes to Jason in all of his future endeavors;

Now Therefore, the Macomb Township Board of Trustees hereby proclaims,

Sunday, May 16, 2004

Jason Christopher Bahlman Day
in

Macomb Township

FOR THIS RESOLUTION: Supervisor John Brennan, Clerk Michael D. Koehs, Treasurer Marie Malburg, Trustees Dino F. Bucci Jr., Janet Dunn, and Charles Oliver.

Absent: Kenneth Meerschaert, Jr.

John D. Brennan, Supervisor

Michael D. Koehs, Clerk

RESOLUTION DECLARED ADOPTED.

28. Treasurer Comments: None.

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29. Trustees Comments: None.

MOTION by BUCCI seconded by OLIVER to adjourn into Executive Session at 7:57 P.M.

MOTION carried.

EXECUTIVE SESSION:

The Board reconvened at 8:12 P.M.

30. Michaels vs. Township

MOTION by KOEHS seconded by BUCCI to reject offer from Michaels regarding the litigation on the King of Winds Farm.

MOTION carried.

MOTION by KOEHS seconded by OLIVER to authorize the Legal Counsel to issue the Township's counter offer.

MOTION carried.

ADJOURNMENT

MOTION by DUNN seconded by MALBURG to adjourn this meeting at 8:13 P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk
Gabrielle M. Baker, Recording Secretary
MDK/gmb